# IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 238 OF 2005

IN

STAMP NUMBER MAIN NO. 2792 OF 2005

STATE, THROUGH PUBLIC PROSECUTOR, PANAJI GOA. ....Applicant

Versus

SHRI NILESH DURBHATKAR,VASCO GOA. ....Respondent

Shri S. N. Sardesai Public Prosecutor for the Applicant.

Mr. Esperdiao Dias Do Rosario, Advocate for the Respondent.

Coram:- N. A. BRITTO, J.

Date:- 2nd March, 2006

P.C.

Heard Shri Sardessai, the learned Public Prosecutor and Shri E. Dias, the learned Counsel on behalf of respondent/accused.

2. Shri Dias has submitted that there is no good cause shown to condone the delay of 46 days as it can be seen that the file was kept pending with the A.P.P. for nearly a month from 31.08.2005 to 30.09.2005.

3. In my view, the application ought not to be disallowed only because there was lack of inaction on the part of the A.P.P., in forwarding the file to the Deputy Superintendent of Police. It is hoped that appropriate action would be taken for the said delay on the part of the A.P.P. in forwarding the file to Dy.S.P., Ponda. It is not unknown about the insensitiveness or lack of interest on the part of some Government

Officials and on that couunt alone, a public cause cannot be allowed to suffer. Delay of 46 days is hereby condoned.

N. A. BRITTO, J.

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